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EXAMINER

MENDOZA, JUNIOR O

ART UNIT

PAPER NUMBER

4115

MAIL DATE

DELIVERY MODE

10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,016

Applicant(s)

STECYK, POLLY

Examiner

Junior O. Mendoza

Art Unit

4115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The applicant made an error spelling the word information, where the applicant wrote "informatioin" on paragraph [0029].

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: The applicant made an error spelling the word administrator, where the application wrote "adminstrator" on paragraph [0045] and paragraph [0062].

Appropriate correction is required.

Claim Objections

3. Claim 22 is objected to because of the following informalities: The applicant states "A device having comprising", where it should state, "A device comprising" only.

Appropriate correction is required.

4. Claim 23 is objected to because of the following informalities: The applicant states a device "wherein the viewer monitoring system comprising a facial recognition system", where it should state, "wherein the viewer monitoring system comprises a facial recognition system".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. **Claims 1 – 10, 14 – 20, 22 – 27, 29 – 31 and 35** are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas (Patent No 7,134,130). Hereinafter, referenced as Thomas.

Regarding **claim 1**, Thomas discloses a consumer electronics device having media supervision enforcement circuitry for supervising personal exposure to user discernible information, comprising:

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a first logic unit configured for generating viewer indicators indicative of viewers present in a viewing area (image recognition [212] determines that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2);

non-volatile memory configured for receiving viewing profiles for selected viewers (viewing criteria [216] specifies which users have access to a content or various types of content, column 9 lines 57-59; a memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27);

a second logic unit coupled to the first logic unit and the non-volatile memory and being configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator with the active viewing profile (decision and command processor [214] couples to image recognition [212] or first memory and also couples to viewing criteria [216] or non-volatile memory as exhibited on figure 2; Moreover, decision and command processor [214] compares the user currently being recognized with the viewing criteria corresponding to that user, column 9 lines 59-63),

the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the viewing profiles (control signal [215], column 6 lines 57-58 also exhibited on fig 2); and a

signal impairment mechanism coupled to the logic unit and configured for, based on the control signal, selectively passing a program signal therethrough without substantial impairment or passing the program signal therethrough with substantial

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impairment (display controller [222] selectively controls the display of the information based on whether a user is present in front of the display in reference to such user's profile, blocking or allowing the signal, column 7 lines 45-48 also exhibited on fig 2).

Regarding **claim 2**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses a consumer electronics device of claim 1 wherein each of the viewing profiles comprises

a viewer specification (viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2)

and a content-based specification corresponding to the viewer specification (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information in relation to a user's profile, column 8 lines 4-15).

Regarding **claim 3**, Thomas discloses everything as claimed above (see claim 2). Moreover, Thomas discloses the consumer electronics device of claim 2, further comprising

an output device coupled to the signal impairment mechanism for transforming the program signal into the user discernible information (display [224] which displays the information to be viewable to an user, column 7 lines 40-42 also exhibited on fig 2).

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Regarding **claim 4**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses the consumer electronics device of claim 1, further comprising

a data entry system for selectively inputting the viewer and content-based specifications into the non-volatile memory for storage (keyboard/mouse controller [144] and keyboard/BIOS ROM [145] necessary for a keyboard entry device, column 5 lines 40-43 also exhibited on fig 1).

Regarding **claim 5**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses the consumer electronics device of claim 1, wherein the non-volatile memory includes a look-up list for storing a plurality of viewer specification and associated content-based specifications (user [99] programs the system [200] by providing a list of persons and a rating of content suitable for each of those persons or a person rating, column 10 lines 58-60; moreover, such list is located in the viewing criteria [216] which specifies what users have access to a content or various types of content, column 9 lines 57-59).

Regarding **claim 6**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses the consumer electronics device of claim 1, wherein the program signal carries the content-based indicator (program content signal [221] included a content indicator signal [219], column 6 lines 63-65), and

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further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator (decision and command processor [214] receives and extract the content indicator signal [219], column 7 lines 1-5).

Regarding **claim 7**, Thomas discloses everything claimed as applied above (See claim 1); moreover, Thomas discloses the consumer electronics device of claim 1, wherein

the signal impairment device is a switch (decision and command processor [214] can either totally block the signal or replace the signal by another signal, column 8 lines 20-23; where device [214] performs as a switch.

Regarding **claim 8**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses the consumer electronics device of claim 1, wherein

the output device is a television system audio/video output device (display [224] displays a television signal, column 7 lines 17-21).

Regarding **claim 9**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses the consumer electronics device of claim 1, wherein

the first logic unit is a computer configured to run facial recognition software (image recognition [212] determines that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2; moreover, Thomas

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discloses that image recognition [212] includes a software program which controls the image recognition processor, column 7 lines 54-55).

Regarding **claim 10**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses the consumer electronics device of claim 1, further comprising

a camera coupled to the first logic unit and configured to continuously scan the viewing area associated with the consumer electronic device (room scanner [210] includes a video camera that acquires an image of the monitored are or room, column 7 lines 52-54 also exhibited on fig 2; moreover, Thomas discloses that the video camera can be any other similar imaging device, column 10 lines 33-34).

Regarding **claim 14**, Thomas discloses everything claimed as applied above (See claim 1), in addition, Thomas discloses the consumer electronics device of claim 1, wherein

the program signal carries the content-based indicator and timing information (program content (220) provides a content indication signal (219) indicative of the type of content in the program material, column 6 lines 62-65); moreover, program content [220] contains information about the time-span of the program material, column 7 lines 6-8),

and further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator and timing information (Program content [220]

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outputs the program content signal [221] and a content indicator signal [219] which is then coupled to decision and command processor [214], column 6 lines 63-65 also exhibited on fig 2).

Regarding **claim 15**, Thomas discloses a recordable medium comprising: a computer program comprising steps for:

receiving a program signal suitable for conversion by a consumer electronics device into user discernible information (video and audio signals that are received from a broadcast station, column 7 lines 19-21);

receiving a content-based indicator indicative of the content of the user discernible information (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information, column 8 lines 4-15);

receiving a viewer indicator indicative of a viewer present in a viewer area (a room scanner [200] that scans the room for users and output signal [211] to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

selecting a viewer specification associated with the viewer indicator (a user recognition input device [208] that determines which users are present in a given area having access to the display [224], having access to all the profiles stored in memory, column 9 lines 51-53 also exhibited on fig 2);

selecting a content-based specification associated with the selected viewer specification indicator (a user recognition input device [208] that determines which

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users are present in a given area having access to the display [224], column 9 lines 51-53 also exhibited on fig 2; moreover, viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2);

comparing the selected content-based specification with received content-based indicator (viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a user recognition input device [208] that determines which users are present in a given area having access to the display [224], column 9 lines 51-53 also exhibited on fig 2; a memory [220] containing information that identifies a video content type being displayed on the display [224] and containing information about which users are to be permitted access to that content type, column 9 lines 54-57);

and generating a control signal based on the comparison between the selected content-based specification and the received content-based indicator (a control signal [215] sent from the decision and command processor [214] to the display controller [222] indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 also exhibited on fig 2).

Regarding **claim 16**, Thomas discloses everything claimed as applied above (See claim 15), in addition, Thomas discloses the recordable medium of claim 15, wherein

each of the received content-based indicator and the selected content-based specification is a rating (received program content includes a rating, which is then

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compared to the user's specification to decide whether such user is allow to have access to the content, column 8 lines 4-15).

Regarding **claim 17**, Thomas discloses everything claimed as applied above (See claim 16), in addition, Thomas discloses the recordable medium of claim 16, wherein

the control signal is generated if the received content-based rating exceeds the selected content-based rating (a control signal (215) sent from the decision and command processor (214) to the display controller (222) indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 also exhibited on fig 2).

Regarding **claim 18**, Thomas discloses everything claimed as applied above (See claim 15), in addition, Thomas discloses the recordable medium of claim 15, wherein

each of the received content-based indicators and the selected content-based specifications is a subject matter category (a content indicator and content specification used to avoid children from having contact to questionable content, from different content categories such as violent content or sexual content, column 6 lines 11-14).

Regarding **claim 19**, Thomas discloses everything claimed as applied above (See claim 18), in addition, Thomas discloses the recordable medium of claim 18, wherein

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the control signal is generated if the received content-based category matches the selected content-based category (a control signal (215) is generated from decision and command processor (214) according to the viewing criteria (216), which will block the content if there is any indication of sexual or violent content, column 6 lines 55-67 also exhibited on fig 2).

Regarding **claim 20**, Thomas discloses everything claimed as applied above (See claim 15), in addition, Thomas discloses the recordable medium of claim 15, wherein

the control signal is generated to impair the program signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 also exhibited on fig 3).

Regarding **claim 22**, Thomas discloses a device comprising:

a viewer monitoring system (image recognition [212] determines and checks that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2);

non-volatile memory for receiving viewing profiles of selected viewers (viewing criteria [216] specifies which users have access to a content or various types of content, column 9 lines 57-59; a memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27);

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a logic unit coupled to the viewer monitoring system and the non-volatile memory and being configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator with the active viewing profile (decision and command processor [214] couples to image recognition [212] or first memory and also couples to viewing criteria [216] or non-volatile memory as exhibited on figure 2; Moreover, decision and command processor [214] compares the user currently being recognized with the viewing criteria corresponding to that user, column 9 lines 59-63),

the logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the viewing profiles (control signal [215], column 6 lines 57-58 also exhibited on fig 2);

and a signal impairment mechanism coupled to the logic unit and configured for, based on the control signal, selectively passing a program signal therethrough without substantial impairment or passing the program signal therethrough with substantial impairment (display controller [222] selectively controls the display of the information based on whether a user is present in front of the display in reference to such user's profile, blocking or allowing the signal, column 7 lines 45-48 also exhibited on fig 2).

Regarding **claim 23**, Thomas discloses the device of claim 22 wherein the viewer monitoring system comprises a facial recognition system (user recognition input device [208], column 9 lines 14-16 also exhibited on 2).

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Regarding **claim 24**, Thomas discloses everything as claimed above (see claim 23). In addition, claim 24 is a variation of claims 9 and 10. Therefore, claim 24 stands rejected for the same reasons as stated above (see claims 9 and 10) since it is inherent to the device claimed in claims 9 and 10, respectively.

Regarding **claim 25**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 25 is a variation of claim 2. Therefore, claim 25 stands rejected for the same reasons as stated above (see claim 2) since it is inherent to the device claimed in claim 2.

Regarding **claim 26**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 26 is a variation of claim 3. Therefore, claim 26 stands rejected for the same reasons as stated above (see claim 3) since it is inherent to the device claimed in claim 3.

Regarding **claim 27**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 27 is a variation of claim 4. Therefore, claim 27 stands rejected for the same reasons as stated above (see claim 4) since it is inherent to the device claimed in claim 4.

Regarding **claim 29**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 29 is a variation of claim 14. Therefore, claim 29 stands rejected

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for the same reasons as stated above (see claim 14) since it is inherent to the device claimed in claim 14.

Regarding **claim 30**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 30 is a variation of claim 7. Therefore, claim 30 stands rejected for the same reasons as stated above (see claim 7) since it is inherent to the device claimed in claim 7.

Regarding **claim 31**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 31 is a variation of claim 8. Therefore, claim 31 stands rejected for the same reasons as stated above (see claim 8) since it is inherent to the device claimed in claim 8.

Regarding **claim 35**, Thomas discloses everything as claimed above (see claim 23). In addition, claim 35 is a variation of claim 14. Therefore, claim 35 stands rejected for the same reasons as stated above (see claim 14) since it is inherent to the device claimed in claim 14.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 – 13, 21, 28 and 32 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Hancock et al. (Patent No US 6,701,523). Hereinafter referenced as Hancock.

Regarding **claim 11**, Thomas discloses everything claimed as applied above (See claim 1), in addition, Thomas discloses a viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2, which reads on "wherein each of the viewing profiles comprises a viewer specification". However, Thomas fails to explicitly disclose a finite time range specification. However, the examiner maintains that it was well known in the art to provide such element, as taught by Hancock.

In a similar field of endeavor Hancock discloses content blocking system where the administrator selects a particular user, and sets the days of the week and the times at which such user is not allowed to watch a certain type of content, based on rating, column 11 lines 41-58 also exhibited on fig 2 and fig 10, which reads on "a finite time range specification".

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Moreover, Thomas discloses a program content [220] which provides a content indication signal [219] indicative of the type of content in the program material, where the program content [220] specifies whether a user is allowed to watch the content, column 6 lines 62-65, whereas Hancock discloses a content blocking system that blocks access to users for predetermined days and times, column 11 lines 41-58 also exhibited on fig 2 and fig 10, which reads on "and a content-based specification corresponding to the viewer and time range specification".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing a finite time range specification, as taught by Hancock, for the purpose of allowing more flexibility to users, providing a way to block content to different users at different days and times of the week.

Regarding **claim 12**, Thomas discloses everything claimed as applied above (See claim 1), in addition, Thomas discloses the consumer electronics device of claim 1, further comprising a data entry system for selectively inputting the viewer, and content-based specifications into the non-volatile memory for storage (keyboard/mouse controller [144] and keyboard/BIOS ROM [145] necessary for a keyboard entry device, column 5 lines 40-43 also exhibited on fig 1).

However, Thomas fails to explicitly disclose a finite time range specification. However, the examiner maintains that it was well known in the art to provide such element, as taught by Hancock.

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In a similar field of endeavor Hancock discloses content blocking system where the administrator selects a particular user, and sets the days of the week and the times at which such user is not allowed to watch a certain type of content, based on rating, column 11 lines 41-58 also exhibited on fig 2 and fig 10, which reads on "time range".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing a time range, as taught by Hancock, for the purpose of allowing the user to have a way to input the times at which each user will not be allowed access to a predetermined type of content.

Regarding **claim 13**, Thomas discloses everything claimed as applied above (See claim 1), in addition, Thomas discloses the consumer electronics device of claim 1, wherein the non-volatile memory (a memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27) includes

a look-up list for storing a plurality of viewer specification and content-based specifications (system [200] includes a list of persons and the rating of content suitable for each of those persons, column 10 lines 58-60).

However, Thomas fails to explicitly disclose an associated time range. However, the examiner maintains that it was well known in the art to provide such element, as taught by Hancock.

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In a similar field of endeavor Hancock discloses content blocking system where the administrator selects a particular user, and sets the days of the week and the times at which such user is not allowed to watch a certain type of content, based on rating, column 11 lines 41-58 also exhibited on fig 2 and fig 10, which reads on "an associated time range".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing an associated time range, as taught by Hancock, for the purpose of providing a list including all the users with their respective blockage times and specifications.

Regarding **claim 21**, Thomas discloses everything claimed as applied above (See claim 15), in addition, Thomas discloses the recordable medium of claim 15, wherein the computer program further comprises the steps of

receiving timing information indicative of a reference time (real time clock [142] which times all the operations in the device, column 5 lines 39-40 exhibited on fig 1);

However, Thomas fails to explicitly disclose the step of selecting a finite time range specification associated with the timing information and selecting a content-based specification associated with the selected viewer and time range specifications.

However, the examiner maintains that it was well known in the art to provide such element, as taught by Hancock.

In a similar field of endeavor Hancock discloses content blocking system where the administrator selects a particular user, and sets the days of the week and the times

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at which such user is not allowed to watch a certain type of content, based on rating, column 11 lines 41-58 also exhibited on fig 2 and fig 10, which reads on "selecting a finite time range specification associated with the timing information".

Moreover, Thomas discloses a program content [220] which provides a content indication signal [219] indicative of the type of content in the program material, where the program content [220] specifies whether a user is allowed to watch the content, column 6 lines 62-65, whereas Hancock discloses a content blocking system that blocks access to users for predetermined days and times, column 11 lines 41-58 also exhibited on fig 2 and fig 10, which reads on "selecting a content-based specification associated with the selected viewer and time range specifications".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing an associated time range, as taught by Hancock, for the purpose of providing the option to choose not display a program based on its rating or based on the time at which such program will be transmitted.

Regarding **claim 28**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 28 is a variation of claim 13. Therefore, claim 28 stands rejected for the same reasons as stated above (see claim 13) since it is inherent to the device claimed in claim 13.

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Regarding **claim 32**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 32 is a variation of claim 11. Therefore, claim 32 stands rejected for the same reasons as stated above (see claim 11) since it is inherent to the device claimed in claim 11.

Regarding **claim 33**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 33 is a variation of claims 4 and 11. Therefore, claim 33 stands rejected for the same reasons as stated above (see claims 4 and 11) since it is inherent to the device claimed in claims 4 and 11, respectively.

Regarding **claim 34**, Thomas discloses everything as claimed above (see claim 22). In addition, claim 34 is a variation of claim 13. Therefore, claim 34 stands rejected for the same reasons as stated above (see claim 13) since it is inherent to the device claimed in claim 13.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gutta et al. (Pub No us 2004/0003393) – method system and apparatus for monitoring use of electronic devices by user detection.

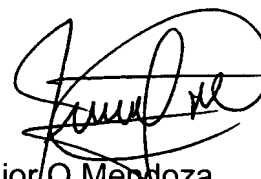
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junior O. Mendoza whose telephone number is 571-270-3573. The examiner can normally be reached on Monday - Thursday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Junior O Mendoza
Examiner
Art Unit 4115

JM
October 15, 2007

 10/16/07
BRYAN YANG
PRIMARY EXAMINER